

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

<b>JULIUS JEROME WALKER,</b>	)	
	)	
Petitioner,	)	
	)	
v.	)	<b>No. CIV 12-303-RAW-KEW</b>
	)	
<b>ROBERT PATTON, DOC Director,</b>	)	
	)	
Respondent.	)	

**OPINION AND ORDER**  
**DENYING SECOND MOTION FOR APPOINTMENT OF COUNSEL**


Petitioner has filed a second motion requesting the court to appoint counsel (Docket No. 21). He has been granted leave to file a proper amended habeas corpus petition (Docket No. 20), and he alleges he needs appointed counsel to prepare the amended petition.

Plaintiff still bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court again has reviewed the merits of petitioner's claim, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering petitioner's ability to present his claims and the complexity of his legal issues, the court finds that appointment of counsel still is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *See also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

**ACCORDINGLY**, petitioner's motion (Docket No. 21) is **DENIED**.

**IT IS SO ORDERED** this 14th day of May 2014.

**Dated this 14<sup>th</sup> day of May, 2014.**

  
Ronald A. White  
United States District Judge  
Eastern District of Oklahoma